

pipe, said cable-pulling device comprising a frame; a pair of cable-pulling members carried by said frame in linearly-aligned relationship with respect to each other, said cable-pulling members disposed in a slip-fit on the cable; and a pair of cable-gripping elements disposed on the cable and connected to said pair of cable-pulling members, respectively, for alternately gripping, pulling and releasing the cable, whereby the pipe bursting head progressively cuts and bursts the pipe along the length of the pipe as said pair of cable-gripping elements alternately grip and release the cable and said pair of cable-pulling members pull the cable and the cable pulls the pipe bursting head against the pipe.

REPLACEMENT CLAIMS

14. An apparatus for pulling a work load, comprising a cable for connection to the work load, a pair of cable-pulling members disposed in linearly-aligned relationship with respect to each other on said cable in a slip-fit and a pair of cable-gripping elements provided on said pair of cable-pulling members, respectively, said cable-gripping elements disposed in in-line relationship with respect to each other on said cable, for alternately gripping, pulling and releasing said cable.

15. The apparatus of claim 14 comprising a frame for receiving said pair of cable-pulling members and said pair of cable-gripping elements and wherein said pair of cable-pulling members each comprises a hydraulic cylinder carried by said frame and a piston slidably disposed in said hydraulic cylinder and connected to a corresponding one of said pair of cable-gripping elements, for alternately gripping, pulling and releasing said cable.

16. A cable-pulling device for engaging a cable attached to a pipe bursting head and pulling the pipe bursting head against a pipe to facilitate bursting and replacing the pipe, said cable-pulling device comprising a frame; a pair of cable-pulling members carried by said frame in linearly-aligned relationship with respect to each other, said cable-pulling members disposed in a slip-fit on the cable; and a pair of cable-gripping elements disposed on the cable and connected to said pair of cable-pulling members, respectively, for alternately gripping, pulling and releasing the cable, whereby the pipe bursting head progressively cuts and bursts the pipe along the length of the pipe as said pair of cable-gripping elements alternately grip and release the cable and said pair of cable-pulling members pull the cable and the cable pulls the pipe bursting head against the pipe.

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REMARKS

Applicant submits herein terminal disclaimers and a check in payment of the statutory fee.

The Examiner rejected claims 12-22 under 35 USC 102(b) as anticipated by the Wipo document WO 98/30350. The Examiner's rejection is respectfully traversed as follows. The Examiner will note that applicant's independent claim 12 and dependent claim 13 have been cancelled, while claim 14 has been rewritten in independent form and remaining claim 15 depends from claim 14 as so amended. Furthermore, independent claim 16 has been amended and claims 17-22 depend either directly or indirectly from claim 16. Both independent claims 14 and 16 now define a pair of cable pulling members disposed in linearly aligned relationship with respect to each other and mounted on a cable in a slip-fit, with cable gripping elements provided on the cable pulling members for selectively gripping and releasing the cable in pulling relationship.

A close review of the Wipo document WO 98/30350 reveals that this reference details a cable pulling apparatus having a pair of hydraulic cylinders disposed in parallel relationship, with a cable gripping element or collet device disposed between and mounted on the two hydraulic cylinder pistons, such that the hydraulic cylinders operate in parallel together for gripping the cable. There is no teaching, disclosure or showing whatsoever in this reference of alternately gripping a cable by cable gripping members that are linearly aligned with attached gripping members on a cable, with the cable extending through the gripping members in a slip-fit, for alternately gripping and pulling a cable so disposed. Accordingly, it is respectfully submitted that remaining claims 14-22 as amended, are not anticipated by the Wipo document WO 98/30350 for this reason and reconsideration and allowance of applicant's amended claims 14-22 is respectfully solicited.

The Examiner further rejected claims 12-22 under 35 USC 102(b) as anticipated by the patents to Kennedy, et al, U.S. 4,604,938 or Biass, U.S. 4,615,509. Claims 12 and 13 have been cancelled. The Examiner's rejection of remaining claims 14-22 as anticipated by either of these references is respectfully traversed as follows:

A close review of both the Kennedy, et al and the Biass' patents reveals that these patents, like the Wipo document, WO 98/30350 detail a pair of parallel-mounted hydraulic

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cylinders, rams or jacks mounted on a frame, with a cable running between the two cylinders and engaged by a pair of engaging members or grips, such that operation of the hydraulic cylinders causes the corresponding grips to alternately pull the cable through the device. There is no teaching or suggesting or showing in either the Kennedy et al or the Biass patents of placing hydraulic cylinders or cable pulling mechanisms of any type in a linearly-aligned relationship on a cable with the cable extending through the devices in a slip-fit and using a pair of cable grabs on the engaging members to alternately grip the cable and pull it through the linearly-aligned cable pulling devices.

Section 706.02 of the Manual of Patent Examining Procedure, under the subsection heading "Distinction Between 35 USC 102 and 103, notes... "for anticipation under 35 USC 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly". Similarly, MPEP 2131 states, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference". Verdegaal Bros. v. Union Oil of California 2 USPQ 2nd 1051, 1053 (Fed.Cir.1987). It is respectfully submitted that each of the references cited fails to teach the slip-fit positioning of a pair of cable-pulling members on a cable in linearly-aligned relationship, with grips for pulling a cable.

Accordingly, it is respectfully submitted that applicant's remaining claims 14-22 as amended are not anticipated by reference to the WO 98/30350, Kennedy et al or the Biass references and reconsideration and allowance of claims 14-22 as so amended, is respectfully solicited.

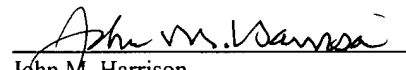
The Examiner further rejected claims 12-22 under the judicially created doctrine of obviousness-type double patenting, as unpatentable over claims 1-19 of U.S. Patent No. 6,357,967. Claims 12 and 13 have been cancelled. The Examiner will note that applicant has filed herein a terminal disclaimer requesting disclaimer of the terminal part of any patent granted on the captioned application beyond the term of U.S. Patent No. 6,357,967. Entry of the terminal disclaimer in the captioned application and reconsideration and allowance of applicant's remaining claims 14-22 as amended, in light of this terminal disclaimer, is therefore respectfully solicited.

The Examiner also rejected claims 1-11 under the judicially created doctrine of

obviousness-type double patenting as unpatentable over claims 1-24 of U.S. Patent No. 6,129,486. The Examiner will note that a second terminal disclaimer has been filed herein requesting that the term of any patent granted on the captioned U.S. patent application be limited to the term of U.S. Patent No. 6,129,486. Entry of the terminal disclaimer in the captioned application and reconsideration and allowance of claims 1-11 is therefore respectfully solicited.

Every effort has been made to amend applicant's claims in order to define his invention in the scope to which it is entitled. Accordingly, reconsideration and allowance of applicant's remaining claims 1-11 and 14-22 as amended, is respectfully solicited.

Respectfully submitted,


John M. Harrison
Reg. No. 24,968
Attorney for Applicant
2139 E. Bert Kouns
Shreveport, LA. 71105
318/797-3062

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